

**REMARKS**

By this amendment, claims 1 and 4 have been amended, and claim 9 has been cancelled. Accordingly, claims 1, 3-6, 10-11, 15-18 and 20 are currently pending in the application, of which claims 1, 4, 11, and 16 are independent claims.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least at page 6, line 18 through page 7, line 17 of the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

**Claim Objection**

In the Office Action, claim 9 is objected to as being dependent upon a rejected base claims, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because the limitation of claim 9 has been added to claim 4, Applicant respectfully asserts that claim 4 is allowable. Further, because claim 9 has been cancelled, Applicant respectfully asserts that the objection has been rendered moot and requests withdrawal of the objection.

***Rejections Under 35 U.S.C. § 103***

Claims 1 and 3 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U. S. Patent Application Publication No. 2002/0113552, filed by Juestel, *et al.* ("Juestel"). Applicant respectfully traverses this rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success. Finally, the reference or references, when combined, must disclose or suggest all of the claim limitations. The motivation to modify the prior art and the reasonable expectation of success must both be found in the prior art and not based upon a patent applicant's disclosure. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Assuming *arguendo* a suggestion to modify the reference and a reasonable expectation of success, the reference does not disclose or suggest all of the claim limitations.

Claim 1 as amended recites, *inter alia*, "the red phosphor pattern containing Y(V,P)O<sub>4</sub>:Eu and (Y,Gd)BO<sub>3</sub>:Eu and having a red-color purity ranging from 0.657 to 0.670 for a chromaticity coordinate value x and from 0.322 to 0.327 for a chromaticity coordinate value y" (emphasis added). Juestel fails to teach at least these features. As noted in the Office Action, "the references of the Prior Art of record fail to teach or suggest ... the limitation wherein the combined red color purity ranges from 0.657 to 0.670 for a chromaticity coordinate value x and from 0.322 to 0.327 for a chromaticity [coordinate] value y." See Office Action, page 5.

Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claim 1, and all the claims that depend therefrom, are allowable. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1 and 3.

Claims 4-6 and 10 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Juestel in view of U. S. Patent No.3,631,284, issued to Sisneros ("Sisneros"). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 4 as amended recites, *inter alia*, "the red light has an afterglow decay time of 4.0-8.8 ms and a red-color purity ranging from 0.663 to 0.670 for a chromaticity coordinate value x and from 0.322 to 0.327 for a chromaticity coordinate value y" (emphasis added). Juestel fails

to teach at least these features. Sisneros fails to remedy the shortcoming of Juestel. As noted in the Office Action, “the references of the Prior Art of record fail to teach or suggest … the limitation wherein the combined red color purity ranges from 0.657 to 0.670 for a chromaticity coordinate value x and from 0.322 to 0.327 for a chromaticity [coordinate] value y.” See Office Action, page 5.

Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claim 4, and all the claims that depend therefrom, are allowable. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 4-6 and 10.

### ***Interview Summary***

Applicant thanks the Examiner for conducting a telephone interview on April 6, 2006. During the interview, the contents of the Advisory Action mailed March 29, 2006 were discussed. Further, the pending rejections of claims 1, 4, 11 and 16 on the basis of Juestel under 35 U.S.C. § 103(a) were discussed. Finally, the Examiner agreed to mail a supplemental Advisory Action.

### ***Allowable Subject Matter***

Applicant appreciates the indication that claims 11, 15-18 and 20 are allowed. Applicant further appreciates the indication that claim 9 contains allowable subject matter.

**CONCLUSION**

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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Date: August 10, 2006

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